



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Ms. Dessie L. Brumfield,
d/b/a Brumfield Properties, LLC
Respondent.

Docket No. TSCA-05-2010-0014

Issued: March 30, 2012

ORDER SCHEDULING HEARING

The prehearing exchange process in this matter has been completed and there are no pending motions. Therefore, the matter may be scheduled for hearing.

Agency policy strongly supports settlement. The parties are directed to hold a settlement conference and attempt to reach an amicable resolution of this matter. Complainant shall file a status report regarding such conference and the status of settlement on or before April 20, 2012.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. If any party intends to file any dispositive motion regarding liability, such as a motion for accelerated decision or motion to dismiss under Rule 22.20(a), it shall file such motion on or before April 20, 2012. The filing of a potentially dispositive motion does not stay the deadlines established by this Order and will not constitute good cause for failing to comply with this Order's requirements.

All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before June 29, 2012. This deadline does not apply to motions to supplement the prehearing exchange.

On or before July 13, 2012, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

The parties are reminded that any document or exhibit not included in the prehearing exchanges shall not be admitted into evidence, and any witness whose name and testimony summary are not included in the prehearing exchange shall not be allowed to testify at hearing. If

a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **July 20, 2012**. Motions filed after this date will not be considered absent extraordinary circumstances.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is **July 27, 2012**. Furthermore, a copy of the briefs must be emailed (oaljfilng@epa.gov), faxed, and/or hand-delivered to the undersigned by that date. Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. Respondent's brief should identify each defense Respondent intends to pursue at the hearing.

The hearing in this matter will be held in Milwaukee, Wisconsin, beginning promptly at 9:30 a.m. on Tuesday, August 7, 2012, at a location to be determined, continuing if necessary on August 8, 2012. The Regional Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

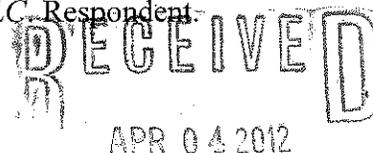
Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

If either party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned at the earliest possible moment.


M. Lisa Buschmann
Administrative Law Judge

In the matter of *Ms. Dessie L. Brumfield, d/b/a Brumfield Properties, LLC*, Respondent
Docket No. TSCA-05-2010-0014



CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

I hereby certify that the foregoing **Order Scheduling Hearing**, dated March 30, 2012 was sent this day in the following manner to the addressees listed below.


Knolyn R. Jones
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA, Region V, MC-E-19J
77 West Jackson Blvd.,
Chicago, IL 60604-3590

One Copy by Pouch Mail to:

Jeffrey Trevino, Esq.
Associate Regional Counsel
U.S. EPA, Region V
77 West Jackson Blvd., C-14J
Chicago, IL 60604-3590

One Copy by Regular Mail to:

Thomas J. McClure
15 Crossroads Court
Delafield, WI 53018-2035